

BY-LAW NO. 2025-01

**FLYING DUST FIRST NATION #395
CANNABIS BY-LAW**

BEING A BY-LAW OF THE FLYING DUST FIRST NATION WITH A PURPOSE OF REGULATING CANNABIS WITHIN AND ON THE RESERVE LANDS OF THE FLYING DUST FIRST NATION.

WHEREAS the Flying Dust First Nation (the “First Nation”) adhered to Treaty 6 in 1876.

AND WHEREAS the Flying Dust First Nation has and continues to exercise an inherent aboriginal and treaty right to govern its citizens and lands that is recognized and affirmed by, *inter alia*, Articles 3, 20, 24, and 35 of the *United Nations Declaration of the Rights of Indigenous Peoples* and Section 35 of the *Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK)*, 1982, c 11, and is protected by Treaty No. 6, 1876;

AND WHEREAS Flying Dust First Nation recognizes its Inherent Treaty Rights and asserts its sovereign jurisdiction to establish Bylaws for a Treaty Based Economy:

AND WHEREAS the Chief and Council of the Flying Dust First Nation deems it expedient and in the best interest of the First Nation, as an expression and in furtherance of the First Nation’s inherent aboriginal and treaty right to self-determination, to make a cannabis by-law for the purposes of, *inter alia*, preserving the health and safety of the members and preventing any nuisance to or from its members.

AND WHEREAS the Chief and Council of the Flying Dust First Nation wishes to enact this cannabis by-law pursuant to:

- a) The First Nation’s inherent aboriginal and treaty right to self-determination; and
- b) Section 81 of the *Indian Act*, to the extent the same are not inconsistent with the First Nation’s inherent aboriginal and treaty rights to self-determination;

AND WHEREAS it is intended that the cannabis By-Law will serve as a foundational and living document to be adapted to fit the capacity and aspirations of the Flying Dust First Nation as they evolve over time and to eventually address the governance of all aspects of cannabis production, distribution, sale, possession and use within and on the Flying Dust Reserve;

AND WHEREAS Members of the Flying Dust First Nation will be provided with this By-Law for inspection by attending at the Flying Dust First Nation Band Office.

NOW THEREFORE, THE CHIEF AND COUNCIL OF THE FLYING DUST FIRST NATION, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART 1 – TITLE, DEFINITIONS AND INTERPRETATION

1. SHORT TITLE

1.01 This by-law may be known as the “Flying Dust First Nation Cannabis By-Law”.

2. DEFINITIONS

2.01 In this By-Law, unless the context otherwise requires:

- (a) **“ACMPR”** means the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230, as amended, modified or replaced from time to time;
- (b) **“Cannabis”** has the meaning given to it in the *Cannabis Act*, AC 2018, C 16;
- (c) **“Cannabis Store”** means any business engaged in the business of displaying, selling or offering Cannabis for sale;
- (d) **“Cannabis Plant”** means a plant that belongs to the genus Cannabis;
- (e) **“Council”** means the Council of the Flying Dust First Nation, collectively comprised of the Chief and Councilors, duly elected from time to time in accordance with the *Indian Act* or pursuant to its customary rules in force from time to time;
- (f) **“Court”** means a court of competent jurisdiction of the Province of Saskatchewan;
- (g) **“Dried Cannabis”** means Cannabis that has been subjected to any drying process, but does not include seeds;
- (h) **“Indian Act”** means the *Indian Act*, RSC 1985, c. I-5, as amended, modified or replaced from time to time;
- (i) **“Licence”** means a licence to develop and operate a Cannabis Store issued pursuant to this By-law;
- (j) **“Minor”** means an individual who has not attained the age of 19 years of age or older;
- (k) **“MMAR”** means the *Marijuana Medical Access Regulations*, SOR/2001-227, as repealed or replaced from time to time;
- (l) **“MMPR”** means the *Marijuana for Medical Purposes Regulations*, SOR/2013-119, as repealed or replaced from time to time;

- (m) **“NIMCA”** means the National Indigenous Medical Cannabis Association;
- (n) **“Flying Dust”** means the Flying Dust First Nation;
- (o) **“Flying Dust Reserve”** means the geographic area of the Flying Dust First Nation Reserve No. 395 and such other lands that are or become reserve lands of Flying Dust from time to time;
- (p) **“Peace Officer”** means a peace officer, police officer, or any Person appointed by Council by way of a resolution in writing for the purpose of enforcing and carrying out the provisions of the By-law;
- (q) **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative; and
- (r) **“Public Premises”** means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation.

PART II – POSSESSION AND CONSUMPTION OF CANNABIS

3. POSSESSION

- 3.01 No Person shall possess Cannabis on or within the Flying Dust Reserve unless authorized under this By-law.
- 3.02 An individual that is not a Minor may possess Cannabis on or within the Flying Dust Reserve in accordance with this By-law.
- 3.03 An individual shall not possess more than four (4) Cannabis Plants on or within the Flying Dust Reserve.
- 3.04 An individual shall not possess Cannabis in a public place or in a vehicle in a public place within or on Flying Dust Reserve in an amount exceeding the equivalent of thirty (30) grams of Dried Cannabis.
- 3.05 Notwithstanding s.3.04 a person who is a common carrier including any employee or agent thereof, shall be authorized to possess Cannabis in unlimited quantities provided it is transporting or distributing Cannabis in the ordinary course of business pursuant to a Licence.

4. CONSUMPTION

4.01 No person shall consume Cannabis within or on the Flying Dust Reserve unless authorized under this By-law.

4.02 An individual who is not a Minor may consume Cannabis within or on the Flying Dust Reserve in accordance with this By-law.

4.03 An individual shall not consume Cannabis in any public place within or on the Flying Dust Reserve.

5. MEDICAL CANNABIS

5.01 Subject to Section 5.04, an individual who is entitled to possess Cannabis pursuant to a medical document may consume Cannabis in any public place within or on the Flying Dust Reserve. Medical document shall include:

- (a) A medical document issued pursuant to the ACMPR;
- (b) A prescription from a medical professional;
- (c) A written diagnosis from a medical professional of a medical condition treatable by cannabis;
- (d) A written recommendation of a traditional healer recognized by Council; and
- (e) A self declaration form for medical use.

Such individuals may consume cannabis in any public premises within or on the Flying Dust Reserve.

5.02 An individual referred to in subsection 5.01 must, on demand of a Peace Officer, produce a copy of the person's medical document.

5.03 A Minor may possess and consume Cannabis pursuant to a medical document issued under the ACMPR.

5.04 An individual must not smoke or vape Cannabis:

- (a) In a Public Premises;
- (b) In, or within 200 metres of a:
 - (i) School
 - (ii) Playground; or
 - (iii) Sports field

to which the public has access; or

- (c) Within 50 metres of an entrance or exit to a Public Premises

6. EVENTS

- 6.01 The Council may grant a permit to allow for the consumption, including smoking and vaping, of Cannabis in a public place within or on the Flying Dust First Nation for an event, and may impose such terms and conditions on the permit as it sees fit, in its sole discretion.
- 6.02 An individual may smoke, vape or consume Cannabis in a public place within or on the Flying Dust Reserve at an event for which a permit has been granted by the Council.
- 6.03 The Council may suspend or revoke a permit issued pursuant to Section 6.01 if it determines that a permit holder or any Person at an event for which a permit has been issued has contravened any federal or provincial laws or this By-law.

PART III – DISTRIBUTION AND SALE OF CANNABIS

A. LICENSING

7. REQUIREMENT FOR A LICENCE

- 7.01 A Person shall not carry on business as a Cannabis Store on the Flying Dust Reserve unless that Person has a valid and subsisting Licence.
- 7.02 No Person shall contravene a term or condition of a Licence.
- 7.03 A Licence may only be issued in accordance with the regulations set out in this By-law.

8. APPLICATION FOR LICENCE

- 8.01 Every Person applying for a Licence pursuant to this By-law shall include in the application any information required or requested by the Council.
- 8.02 An application must be made in the form prescribed by the Council from time to time.
- 8.03 The Council may not issue a Licence and may refuse to renew a Licence if the Council has reasonable and credible grounds to believe that the applicant is not of sound character or has made a misrepresentation of information material to the granting of a licence.
- 8.04 The application must be in the form prescribed by the Council pursuant to Section

8.02 of this By-law and be accompanied by a non-refundable Licence fee of \$2,000.00 to be paid annually throughout the the 3-year term.

8.05 Without limiting the generality of the foregoing, each Person who applies for a Licence, or its duly appointed representative, shall submit a statutory declaration confirming that the Person has or will acquire Cannabis in compliance with Section 13.01.

8.06 A Person shall not provide false or misleading information with regard to any matter in connection with an application.

9. ISSUANCE, REFUSAL, SUSPENSION AND REVOCATION OF A LICENCE

9.01 Upon receipt of an application for a Licence, the Council may:

- (a) Issue a Licence with any terms and conditions that it deems necessary, in its sole discretion. The Council may issue licences to permit in-store sales, online sales, cultivation of cannabis or processing of cannabis;
- (b) Require submission of further information; or
- (c) Refuse an application.

9.02 If the Council issues a Licence under section 9.01, the Licence shall contain the following information:

- (a) The name of the Licence holder;
- (b) The location of the authorized Cannabis Store; and
- (c) The terms and conditions, if any, imposed by the Council on the issuance of a Licence.

9.03 Notwithstanding the foregoing, the Council shall include as a condition to every Licence that the Licence holder will only obtain Cannabis from a producer who is:

- (a) Authorized to produce Cannabis under any of the MMAR, MMPR, or ACMPR;
- (b) A member of the Cannabis Growers in Canada; and
- (c) A Licensee which possesses a cultivation and/or processing Licence from Flying Dust First Nation.

9.04 The Council may suspend or revoke a Licence if it determines that a Licence holder or the Licence holder's business has contravened any provision of this By-law, any applicable Flying Dust , federal or provincial laws, or if in the Council's opinion there are just and reasonable grounds to suspend or revoke the Licence.

9.05 The Council may suspend a Licence for up to ten (10) calendar days, after which it must make a decision to:

(a) Withdraw the suspension and restore the Licence;

(b) Restore the Licence with different terms or conditions; or

(c) Revoke the Licence if in the Council's opinion there are just and reasonable grounds to do so.

9.06 If the Council refuses an application or suspends or revokes a Licence, it must send written notice of the refusal to the Person that made the application or the Licence holder, with reasons for the refusal, suspension or revocation.

9.07 A refusal or revocation of a Licence does not preclude submission of a new application for a Licence by the Person subject to the refusal or revocation.

10. TERM

10.01 A Licence in respect of a Cannabis Store is valid for a term of three (3) years from the date of issuance specified on the Licence (the "Term").

10.02 A Person may apply for a renewal of a Licence in the manner and form prescribed by the Council within six (6) months before the expiration of the Licence term.

10.03 If a person fails to apply for a renewal of a Licence pursuant to Section 10.02, the Licence shall be reassessed at the end of the Term and a person will have to reapply pursuant to Article 8 of this By-law.

11. INSPECTIONS

11.01 If the Council believes that a Person is carrying on business as a Cannabis Store without a valid Licence, that Person shall:

(a) Permit and assist in all inspections requested by the Council; and

(b) Immediately furnish to the Council all identification, information, or documentation related to the inspection or licensing requirement.

11.02 The Council may request an inspection of any Cannabis Store operating pursuant to a valid Licence to ensure that the distribution and sale of Cannabis by the Licence holder complies with this By-law. Upon receipt of a request to inspect from the Council, the Licence holder shall:

(a) Permit and assist in all inspections requested by the Council; and

(b) Immediately furnish to the Council all identification, information or documentation related to the inspection.

11.03 A Person shall not provide false or misleading information with regard to any matter in connection with an inspection.

12. TRANSFER OF LICENCES

12.01 A Licence is not transferable from one Person to another, from one Person's business to another business, or from one Cannabis Store to another, whether operated by the Licence holder or not.

B. CANNABIS STORE REGULATIONS

13. STORAGE AND SALE OF CANNABIS

13.01 All Cannabis offered for sale must be from producers who are:

(a) Authorized to produce Cannabis under any of the MMAR, MMPR or ACMPR; or

(b) Members of the Cannabis Growers in Canada.

(c) Authorized to produce by Flying Dust First Nation.

13.02 A Cannabis Store may sell Dried Cannabis to an individual who is not a Minor for recreational purposes, provided the amount of Cannabis sold does not exceed thirty (30) grams per sale.

13.03 A Licence holder may sell Cannabis in any form to an individual for medical purposes, and an individual who is not a minor upon the individual producing:

- (a) A copy of a medical document issued pursuant to ACMPR;
 - (b) A written prescription from a medical professional;
 - (c) A written diagnosis from a medical professional of a medical condition treatable by Cannabis;
 - (d) A written recommendation of a traditional healer recognized by the Council; or
 - (e) A self declaration form for medical use.
- 13.04 A Licence holder shall not sell or distribute Cannabis, either for sale or as a sample, that:
 - (a) Contains a poisonous or harmful substance; or
 - (b) Is otherwise unfit for human consumption.
- 13.05 All Cannabis offered for sale or stored in a Cannabis Store must be stored in food safe packaging and labeled with the following information:
 - (a) The strain and quantity of Cannabis on store front;
 - (b) The amount or quantity of Cannabis in grams on the receipt.
- 13.06 In addition to Cannabis, a Licence holder may sell Cannabis accessories, products ancillary to the consumption or use of Cannabis and retail merchandise.
- 13.07 Consumption or use of Cannabis is not permitted in a Cannabis Store.
- 13.08 Unless authorized by Council by way of a band council resolution, a Cannabis Store must not be located within:
 - (a) 200 metres of a school or school grounds;
 - (b) 150 metres of a residence on Flying Dust First Nation land; and
 - (c) 200 metres of a playground or a sports field.

14. MINORS

- 14.01 No Minor may enter or attend at a Cannabis store, and no Licence holder may permit a Minor to enter or attend at a Cannabis Store.
- 14.02 A Licence holder shall not employ an individual who is a Minor to perform any services in relation to the operation of a Cannabis Store.

- 14.03 If an individual who appears to be a minor requests to purchase Cannabis from a Cannabis Store, the Licence holder or the Licence holder's employee must, before granting the request, demand that the individual provide valid proof of age.

15. RECORD KEEPING

- 15.01 A Licence holder shall maintain the following records in respect of each producer who supplies Cannabis to the Cannabis Store:

- (a) The name of the producer;
- (b) The strain(s) of the Cannabis received from the producer; and
- (c) The quantity of Cannabis received from the producer.

16. SECURITY

- 16.01 A Licence holder shall maintain security measures necessary to ensure the security of the Cannabis Store and all Cannabis stored therein, including but not limited to locks on all doors, a security system and surveillance video recorders.

- 16.02 A Licence holder shall notify the police, as well as the Council, in the event that there is any theft of Cannabis from the Cannabis Store.

17. ADVERTISING

- 17.01 Licence holders may advertise Cannabis for sale provided that an advertisement shall:

- (a) Only be visible in locations where Minors are prohibited from entering or attending;
- (b) Not be:
 - (i) False;
 - (ii) Misleading; or
 - (iii) Deceptive; and
- (c) Not contain images, symbols or information that may be appealing to Minors.

PART IV – ENFORCEMENT

18. ENFORCEMENT

- 18.01 A Minor who contravenes any provision of this By-law by doing any act or thing which the Minor is prohibited from doing, or by failing to do any act or thing the Minor is required to do is guilty of an offence and liable on summary conviction to a fine of not more than one thousand (\$1,000) dollars or to imprisonment for a term of not more than thirty (30) days.
- 18.02 A Person other than a Minor who contravenes any provision in Part III of this By-law by doing any act or thing which the Person is prohibited from doing, or by failing to do any act or thing the person is required to do is guilty of an offence and liable on summary conviction to a fine of not more than one thousand (\$1,000) dollars or to imprisonment for a term of not more than thirty(30) days or both.

19. MISCELLANEOUS

- 19.01 Nothing in this By-law relieves a Person from complying with any applicable By-law regulation, other By-law or any requirements of any By-lawful permit, order, consent or other direction.
- 19.02 Where this By-law refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
- 19.03 Every provision of this By-law is severable from all other provisions, if any provision of this By-law is declared invalid for any reason by the Court, all other provisions of this By-law shall remain valid and enforceable.
- 19.04 It is the intention of Council that all offences created by this By-law be interpreted to be strict liability offences.
- 19.05 Words and phrases in this By-law importing the singular number only shall include the plural and vice versa, and words importing the masculine gender shall include the feminine gender and neuter.
- 19.06 In the event of any conflict or inconsistency in this By-law and any applicable federal or provincial laws or regulations, this By-law shall prevail to the extent of such conflict or inconsistency.

20. PROOF OF LICENCE

- 20.01 The Onus of proving a Person has a valid and subsisting Licence is on the Person alleging existence of the Licence.

21. EFFECTIVE DATE


By-law No. 2025-01
Flying Dust First Nation
Cannabis By-law

21.01 This By-law comes into force on the date of execution in accordance with Section 81 of the *Indian Act* and the customs and tradition of Flying Dust First Nation #395.

This By-law is hereby passed at a duly convened meeting of the Council of the Flying Dust First Nation this 2nd day of July, 2025.




Councilor Marie Gladue



Councilor Calvin Bear



Councilor Charmaine Mirasty



Councilor Nick Derocher



Chief Tyson Bear